IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 13TH NOVEMBER 2007 / 22ND KARTHIKA 1929

W.P.(C).No. 33313 of 2007(N)

PETITIONER:

MADHAVANKUTTY NAIR,
EDATTUKANDATHIL HOUSE, P.O. NECHIPUZHOOR,
LALAM VILLAGE, VIA. PALA.

BY ADV. SRI.S.EASWARAN
SRI.P.MURALEEDHARAN (IRIMPANAM)

RESPONDENTS:

1. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, KOTTAYAM.

2. THE SUB DIVISIONAL ENGINEER (PHONES),
RAMAPURAM P.O., RAMAPURAM BAZAR, PALA.

3. SHRI P.V. GEORGE,
PALATHANATTU PADAVIL, P.O. NECHIPUZHOOR, VIA. PALA

4. THOMAS P.J., PARAYIL -DO--DO-.

5. SAVITHRI AMMA,
SUCCESSOR TO KRISHNAN NAIR, KURUNDANATTU HOUSE,
-DO- -DO-.

6. JOY THOMAS, AVIMOOTTIL HOUSE, -DO- -DO-.

7. THOMAS M.T., MULAKU KODIYANICKAL HOUSE, -DO- -DO-.

8. SREEKUMARAN NAIR, 'SURABHI', -DO- -DO-.

BY GOVT. PLEADER, SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 33313 OF 2007 N
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Dated this the 13th November, 2007

J U D G M E N T

The issue raised in this writ petition relates to the telephone line that is drawn to the residential premises of respondents 3 to 8 from a post which is in the petitioner's property. Initially when the petitioner offered obstruction for drawing line to give connection to respondents 3 to 8, that was removed by the 1st respondent exercising his power under Section 16 (1) of the Indian Telegraphs Act, 1885. That was unsuccessfully challenged by the petitioner before this Court by filing O.P. No. 21510/99. Thereafter he pursued the matter by filing W.A. No. 2105/02 which was also dismissed. Still he filed a review petition in the writ appeal which was disposed of by order dated 31-1-2006 giving the petitioner the liberty to approach the 1st respondent suggesting an alternate route for drawing the line.

2. It is taking advantage of the order on the

Review Petition that the petitioner filed Ext. P2 representation enclosing a sketch suggesting an alternate route. The suggestion made by the petitioner was considered by the 1st respondent and was rejected by Ext. P1 order which is under challenge in this writ petition.

3. A reading of Ext. P1 shows that on an appreciation of the route suggested by the petitioner, the 1st respondent came to the conclusion that the alternate route suggested is of 2 kms. distance and is not feasible. This finding of fact cannot be upset in this writ petition except in the absence of materials suggesting to the contrary. Petitioner has not produced anything to conclude otherwise. Petitioner now submits that it is possible to draw the line without causing any disturbance to others. I am not inclined to accept this contention either. It is essentially for the departmental authorities to consider the feasibility of the line which they have done. Since there is no reason to upset the conclusions of the departmental authorities, I do not find any merit in the suggestion now made by the

petitioner.

The writ petition lacks merit and is dismissed.

ANTONY DOMINIC
JUDGE

jan/-